

# United States Department of Agriculture

## BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

### JAPANESE BEETLE QUARANTINE

#### QUARANTINE NO. 48

#### REVISION OF REGULATIONS

#### INTRODUCTORY NOTE

An important change in the following revision of the regulations of the Japanese beetle quarantine of especial interest to shippers and carriers places restrictions on the interstate movement by refrigerator car or motor truck of all fruits and vegetables from the District of Columbia and portions of the States of Delaware, Maryland, New Jersey, Pennsylvania, and Virginia, between June 15 and October 15, inclusive.

#### SUMMARY

Unless a certificate or permit has been issued, these regulations as now revised prohibit the interstate shipment of green corn on the cob, beans in the pod, bananas in entire bunches or in clusters of 25 or more, apples, peaches, blackberries, blueberries, huckleberries, or raspberries from any part of the regulated areas, and also prohibit (unless a certificate or permit has been issued) the interstate movement of all fruits and vegetables by refrigerator car or motor truck from the District of Columbia, and parts of the States of Delaware, Maryland, New Jersey, Pennsylvania, and Virginia. Refrigerator cars used for loading fruits and vegetables, other than onions and potatoes, in such area must, prior to loading, be cleaned by the common carrier and kept tightly closed and sealed during the interval between cleaning and loading. Onions and potatoes must be fumigated in the car when such action is deemed necessary by the inspector, and doors and hatches of the cars must be closed or screened. For other details and exceptions see regulation 5.

The regulations also prohibit the interstate shipment of plants, sand, soil, earth, peat, compost, and manure from any part of the regulated areas to or through any outside point throughout the year unless a Federal permit or certificate has been secured. Portions of plants and cut flowers are restricted interstate movement only between June 15 and October 15, inclusive. For details and exceptions see regulations 6 and 7.

The regulated areas include the District of Columbia, the entire States of Connecticut, Delaware, Massachusetts, New Jersey, and Rhode Island, and parts of the States of Maine, Maryland, New Hampshire, New York, Pennsylvania, Vermont, Virginia, and West Virginia. The boundaries are shown in regulation 3.

These regulations also place certain restrictions to protect restricted articles from infestation while in transit, require thorough cleaning of vehicles and containers which have been used in transporting restricted products, and provide other safeguards and conditions as provided in regulations 8 to 13, inclusive.

To secure permits and certificates, address the Bureau of Entomology and Plant Quarantine, 916 County Office Building, White Plains, N. Y., or the nearest branch office listed in the appendix.

LEE A. STRONG,  
*Chief, Bureau of Entomology and Plant Quarantine.*

## NOTICE OF QUARANTINE NO. 48 (TENTH REVISION)

(Approved Nov. 23, 1933; effective Dec. 1, 1933)

I, H. A. Wallace, Secretary of Agriculture, have determined that it is necessary to quarantine the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, to prevent the spread of the Japanese beetle (*Popillia japonica* Newm.), a dangerous insect new to and not heretofore widely prevalent or distributed within and throughout the United States.

Now, therefore, under authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), and having duly given the public hearing required thereby, I do quarantine the said States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, effective on and after December 1, 1933. Hereafter, under the authority of said act of August 20, 1912, amended as aforesaid (1) fruits and vegetables; (2) nursery, ornamental, and greenhouse stock, and other plants; and (3) sand, soil, earth, peat, compost, and manure shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States or District into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: *Provided*, That the restrictions of this quarantine and of the rules and regulations supplemental thereto may be limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas when, in the judgment of the Secretary of Agriculture, the enforcement of the aforesaid rules and regulations as to such regulated areas shall be adequate to prevent the spread of the Japanese beetle: *Provided further*, That such limitations shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the spread of the Japanese beetle therefrom to other parts of the State.

Done at the city of Washington this 23d day of November 1933.

Witness my hand and the seal of the United States Department of Agriculture.

H. A. WALLACE,  
Secretary of Agriculture.



## RULES AND REGULATIONS (THIRTEENTH REVISION) SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 48

(Approved May 29, 1935; effective June 1, 1935)

### Regulation 1. Definitions

For the purpose of these regulations the following words, names, and terms shall be construed, respectively, to mean:

(a) *Japanese beetle*.—The insect known as the Japanese beetle (*Popillia japonica* Newm.), in any stage of development.

(b) The terms "infested", "infestation", and the like, relate to infestation with the Japanese beetle.

(c) *Quarantined area*.—Any State or District quarantined by the Secretary of Agriculture to prevent the spread of the Japanese beetle.

(d) *Regulated area*.—Any area in a quarantined State or District which is now, or which may hereafter be, designated as such by the Secretary of Agriculture.



culture in accordance with the provisos to Notice of Quarantine No. 48, as revised.

(e) *Fruits and vegetables*.—For the list of restricted fruits and vegetables see regulation 5.

(f) *Nursery and ornamental stock*.—Nursery, ornamental, and greenhouse stock, and all other plants, plant roots, cut flowers, or other portions of plants.

(g) *Sand, soil, earth, peat, compost, and manure*.—Sand, soil, earth, peat, compost, or manure of any kind and as to either bulk movement or in connection with farm products or nursery and ornamental stock.

(h) *Certified sand, soil, earth, peat, compost, and manure*.—Sand, soil, earth, peat, compost, or manure determined by the inspector as uninfested and so certified.

(i) *Certified greenhouse*.—A greenhouse or similar establishment which has complied to the satisfaction of the inspector with the conditions imposed in regulation 6. This term may apply also to potting beds, heeling-in areas, hot-beds, coldframes, or similar plots or to storage houses, packing sheds, or stores treated or otherwise safeguarded in manner and method satisfactory to the inspector.

(j) *Inspector*.—An inspector of the United States Department of Agriculture.

(k) *Moved or allowed to be moved interstate*.—Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State or Territory or District of the United States into or through any other State or Territory or District.

## Regulation 2. Limitation of Restrictions to Regulated Areas

Conditioned upon the compliance on the part of the State concerned with the provisos to Notice of Quarantine No. 48 (tenth revision), the restrictions provided in these regulations on the interstate movement of plants and plant products and other articles enumerated in said notice of quarantine will be limited to such movement from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas.

## Regulation 3. Regulated Areas

In accordance with the provisos to Notice of Quarantine No. 48 (tenth revision), the Secretary of Agriculture designates as regulated areas for the purpose of these regulations the States, District, counties, townships, towns, cities, election districts, and magisterial districts listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

*Connecticut*.—The entire State.

*Delaware*.—The entire State.

*District of Columbia*.—The entire District.

*Maine*.—County of York; towns of Cape Elizabeth and Scarborough, and the cities of Portland, South Portland, and Westbrook, in *Cumberland County*; and the city of Waterville, in *Kennebec County*.

*Maryland*.—Counties of Cecil, Kent, Queen Annes, Somerset, and Worcester; the city of Baltimore; the city of Cumberland, the town of Frostburg, and election districts nos. 4, 5, 6, 7, 11, 12, 14, 22, 23, 24, 26, 29, 31, and 32, in *Allegany County*; the city of Annapolis and election district no. 5, in *Anne Arundel County*; election districts nos. 1, 2, 3, 9, 11, 12, 13, 14, and 15, in *Baltimore County*; election districts of Henderson (no. 1), Greensboro (no. 2), Denton (no. 3), and Ridgely (no. 7), in *Caroline County*; the city of Westminster, in *Carroll County*; election district of Cambridge (no. 7), in *Dorchester County*; election districts of Petersville (no. 12), and Brunswick (no. 25), in *Frederick County*; county of Harford, except election district of Marshall (no. 4); election districts of Elkridge (no. 1), and Ellicott City (no. 2), in *Howard County*, and the right of way of United States Highway No. 1 through the election district of Guilford (no. 6) in said county; election districts of Vansville (no. 1), and Laurel (no. 10), in *Prince Georges County*, and all those parts of *Prince Georges and Montgomery Counties* located within the established boundaries of the so-called "Washington Suburban Sanitary District" except those parts located east of the right-of-way of the Washington, Baltimore & Annapolis Railroad and of the southeastern boundary of the District of Columbia; towns of Easton and Oxford, in *Talbot County*; election districts of Sharnpsburg (no. 1), Williamsport (no. 2), Hagerstown

(nos. 3, 17, 21, 22, 24, and 25), Leitersburg (no. 9), Sandy Hook (no. 11), and Halfway (no. 26), in *Washington County*; election districts of Pittsburg (no. 4), Parsons (no. 5), Dennis (no. 6), Trappe (no. 7), Nutters (no. 8), Salisbury (no. 9), Delmar (no. 11), Camden (no. 13), Willards (no. 14), and Fruitland (no. 16), in *Wicomico County*.

*Massachusetts*.—The entire State.

*New Hampshire*.—Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro, in *Carroll County*; towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in *Grafton County*.

*New Jersey*.—The entire State.

*New York*.—Counties of Albany, Bronx, Broome, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Washington, and Westchester; towns of Red House and Salamanca, and the city of Salamanca, in *Cattaraugus County*; towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and the city of Little Falls, in *Herkimer County*; towns of Caton, Corning, and Hornby, and the city of Corning, in *Steuben County*; towns of Luzerne and Queensbury and the city of Glens Falls, in *Warren County*.

*Pennsylvania*.—The entire State, except Crawford, Erie, Forest, Mercer, Venango, and Warren Counties, Mercer Township in *Butler County*, and Ashland, Beaver, Elk, Richland (including boroughs of Foxburg and St. Petersburg), Salem, and Washington Townships, in *Clarion County*.

*Rhode Island*.—The entire State.

*Vermont*.—Counties of Bennington, Rutland, Windham, and Windsor.

*Virginia*.—Counties of Accomac, Arlington, Elizabeth City, Norfolk, Northampton, and Stafford; magisterial districts of Falls Church, Lee, Mount Vernon, and Providence, in *Fairfax County*; magisterial district of Brookland, in *Henrico County*; magisterial district of Sleepy Hole, in *Nansemond County*; magisterial districts of Coles, Dumfries, and Occoquan, in *Prince William County*; Camp Stuart, in *Warwick County*; and the cities of Alexandria, Fredericksburg, Hampton, Newport News, Norfolk, Portsmouth, Richmond, South Norfolk, and Suffolk.

*West Virginia*.—Town of Keyser and district of Frankfort, in *Mineral County*.

#### Regulation 4. Extension or Reduction of Regulated Areas

The regulated areas designated in regulation 3 may be extended or reduced as may be found advisable by the Secretary of Agriculture. Due notice of any extension or reduction and the areas affected thereby will be given in writing to the transportation companies doing business in or through the States in which such areas are located and by publication in one or more newspapers selected by the Secretary of Agriculture within the States in which the areas affected are located.

#### Regulation 5. Restrictions on the Movement of Fruits and Vegetables

##### SECTION A. CONTROL OF MOVEMENT

(1) Unless a certificate or permit shall have been issued therefor, except as provided in paragraphs (a) to (c), inclusive, of this section:

(i) No green corn on the cob, beans in the pod, bananas in entire bunches or in clusters of 25 or more, apples, peaches, blackberries, blueberries, huckleberries, or raspberries shall be moved or allowed to be moved interstate from any regulated area to or through any point outside thereof; and (ii) no fruits and vegetables of any kind shall be moved or allowed to be moved interstate via refrigerator car or motor truck from the District, counties, or city listed below to or through any point outside of the regulated areas:

*Delaware*.—County of New Castle.

*District of Columbia*.—The entire District.

*Maryland*.—County of Cecil, and the city of Baltimore.



*New Jersey.*—Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset, and Union.

*Pennsylvania.*—Counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia.

*Virginia.*—County of Arlington.

(a) No restrictions are placed on the interstate movement of fruits and vegetables between October 16 and June 14, inclusive.

(b) No certificate will be required for the interstate movement of fruits and vegetables on a through bill of lading either from an area not under regulation through a regulated area to another nonregulated area, or from a regulated area through a nonregulated area to another regulated area, except that a certificate is required for interstate movement to Richmond, Va., or to the other regulated parts of Henrico County, Va., or to Waterville, Maine. No restrictions are placed on the interstate movement of fruits and vegetables from the city of Richmond, Va., or from other parts of Henrico County, Va., or from Waterville, Maine, to points outside the regulated areas.

(c) No restrictions are placed on the interstate movement of fruits or vegetables when they shall have been manufactured or processed in such a manner that in the judgment of the inspector no infestation could be transmitted.

(d) No restrictions are placed on the interstate movement of any shipments of apples or peaches of less than 15 pounds to the shipment, or of bananas other than in entire bunches or in clusters of 25 or more.

(e) No restrictions are placed on the interstate movement of commercially packed apples in any quantity, except those moving via refrigerator cars or motor vehicles from the District, counties, or city listed in this section.

(2) No restrictions are placed on the interstate shipment from the regulated areas of fruits and vegetables other than those mentioned above, except that any such interstate shipments of fruits and vegetables may be inspected by inspectors at any time or place inside or outside the regulated areas and when actually found to involve danger of dissemination of Japanese beetle to uninfested localities, measures to eliminate infestation may be required as a condition of further transportation or delivery.

#### SECTION B. CONDITIONS OF CERTIFICATION

Certificates may be issued for the interstate movement of fruits and vegetables to points outside the regulated areas between June 15 and October 15, inclusive, under one of the following conditions:

(1) When the fruits and vegetables, moving from a point in the regulated area other than the District, counties, or city listed in paragraph 1, (ii), of this regulation, or moving from such designated District, counties, or city other than by refrigerator car, have actually been inspected by the United States Department of Agriculture and found free from infestation.

(2) When the fruits and vegetables have been handled or treated under the supervision of an inspector in manner and by method to free them from any infestation.

(3) When the fruits and vegetables have originated outside of the regulated areas and are to be reshipped directly from freight yards, transfer points, or unloading docks within such areas, under provisions satisfactory to the inspector for the safeguarding of such shipments pending certification and reshipment. Certificates on this basis will be issued without inspection only in cases where, in the judgment of the inspector, the shipments concerned have not been exposed to infestation while within such freight yards, transfer points, or unloading docks.

(4) When the fruits and vegetables were grown in districts where the fact has been established to the satisfaction of the inspector that no infestation exists and are to be shipped directly from the farms where grown to points outside the regulated areas, or are shipped from infested districts where the fact has been established to the satisfaction of the inspector that the Japanese beetle has not begun or has ceased its flight.

(5) When the fruits and vegetables, other than onions and potatoes, moving via refrigerator car from the district, counties, or city listed in paragraph 1, (ii), of this regulation, have been inspected and loaded in a manner to prevent infestation, in a refrigerator car with closed or adequately screened doors and hatches, which car prior to loading has been determined by an inspector as thoroughly swept and cleaned by the common carrier in a manner to rid it of

infestation. During the interval between cleaning and loading, such refrigerator car must be tightly closed and sealed.

(6) When the onions or potatoes moving via refrigerator car from the district, counties, or city listed in this regulation have been fumigated in the car, when deemed necessary in the judgment of the inspector, and when the doors and hatches of the car have been tightly closed or adequately screened, under the supervision of an inspector.

## Regulation 6. Restrictions on the Movement of Nursery and Ornamental Stock

### SECTION A. CONTROL OF MOVEMENT

Nursery and ornamental stock shall not be moved or allowed to be moved interstate from the regulated areas to or through any point outside thereof, unless a certificate or permit shall have been issued therefor by the inspector, except as follows:

(1) True bulbs, corms, and tubers, when dormant and free from soil, are exempt from the requirement of certification, except that this exemption does not apply to dahlia tubers.

(2) No restrictions are placed on the interstate movement of nursery and ornamental stock imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with a copy certificate of the country from which it was exported, a statement of the general nature and quantity of the contents, the name and address of the consignee, and the country and locality where grown.

(3) No restrictions are placed on the interstate movement between October 16 and June 14, inclusive, of cut flowers, and of portions of plants without roots and free from soil (such as branches and twigs of trees and shrubs, scions, Christmas trees, holly, laurel, sphagnum moss, and parts of submerged aquatic plants without roots).

(4) No certificate or permit will be required for the interstate movement of nursery and ornamental stock when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

### SECTION B. CONDITIONS GOVERNING THE ISSUANCE OF CERTIFICATES AND PERMITS

For the purpose of certification of nursery and ornamental stock, nurseries, greenhouses, and other premises concerned in the movement of such stock will be classified as follows:

(1) *Class I.* Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on or within approximately 500 feet of which no infestation has been found may be classified as class *I*. Upon compliance with the requirements of subsection (6) of this section, nursery and ornamental stock may be certified by the inspector for shipment from such premises without further inspection, and without meeting the safeguards prescribed as a condition of interstate shipment of plants originating in nurseries or greenhouses of class *III*.

(2) *Class III.*—(a) Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on which either grubs in the soil or one or more beetles have been found, will be classified as class *III*. Such classification also may be given to nurseries, etc., in localities known to be generally infested where one or more beetles or grubs are found in the immediate proximity (within approximately 500 feet) of such nurseries, etc., on adjacent property or properties. In the case of nursery properties, under single ownership and management, but represented by parcels of land widely separated, such parcels may be independently classified either as class *I* or class *III* upon compliance with such conditions and safeguards as shall be required by the inspector. Similarly, unit nursery properties, which would otherwise fall in class *III*, may be open to subdivision, for the purpose of rating such subdivisions in classes *I* or *III*, when in the judgment of the inspector such action is warranted by recent and scanty infestation limited to a portion of the nursery concerned: *Provided*, That the subdivision containing the infestation shall be clearly marked by boundaries of a permanent nature which shall be approximately 500 feet beyond the point where the infestation occurs.



(b) Upon compliance with subsections (3) and (6) of this section, nursery and ornamental stock may be certified by the inspector for shipment from such premises under any one of the following conditions: (i) That the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector; or (ii) in the case of plants in which the root system is such that a thorough inspection may be made, that the soil shall be entirely removed from the stock by shaking or washing, or (iii) that it shall be shown by evidence satisfactory to the inspector that the plants concerned were produced in a certified greenhouse.

(3) Greenhouses of class *III* may be certified upon compliance with all the following conditions with respect to the greenhouses themselves and to all potting beds, heeling-in areas, hotbeds, coldframes, and similar plots:

(a) Ventilators, doors, and all other openings in greenhouses or coldframes on premises in class *III* shall be kept screened in manner satisfactory to the inspector during the period of flight of the beetle, namely, south of the northern boundaries of Maryland and Delaware between June 1 and October 1, inclusive, or north thereof between June 15 and October 15, inclusive.

(b) Prior to introduction into nurseries or greenhouses, sand, soil, earth, peat, compost, or manure taken from infested locations or which may have been exposed to infestation, must be sterilized or fumigated under the direction and supervision of, and in manner and by method satisfactory to, the inspector. If such treated sand, soil, earth, peat, compost, or manure is not to be immediately used in such greenhouses, it must be protected from possible infestation in manner and by method satisfactory to the inspector.

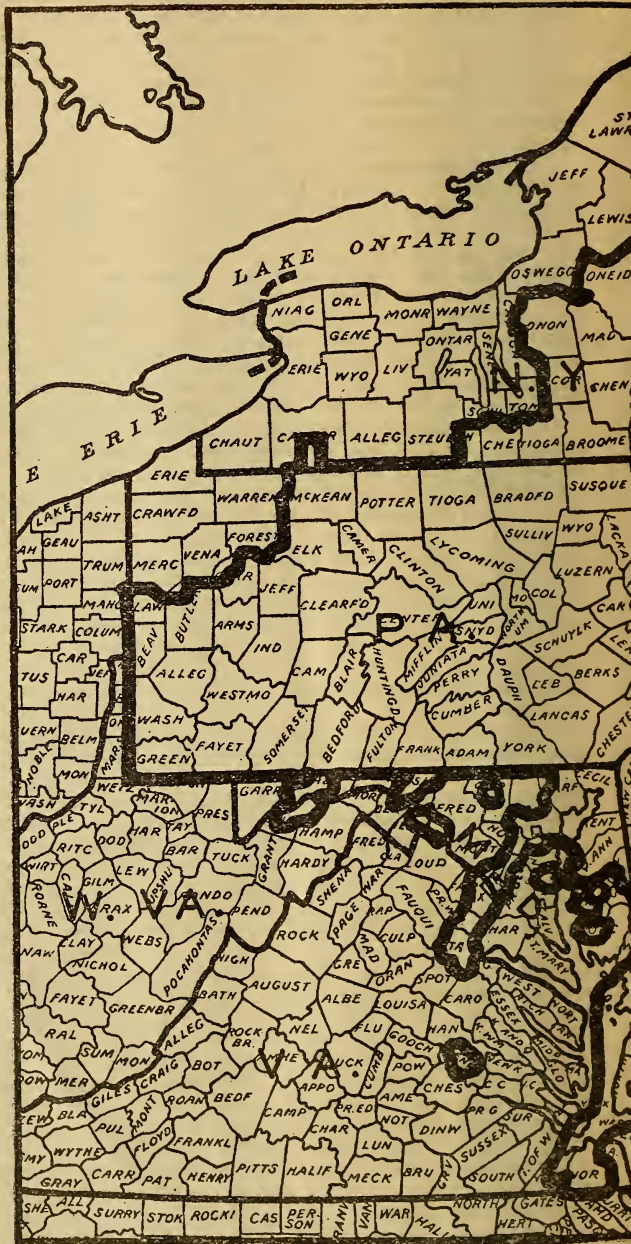
(c) All potted plants placed in certified greenhouses of class *III* and all potted plants to be certified for interstate movement therefrom (i) shall be potted in certified soil; (ii) shall, if grown outdoors south of the northern boundaries of Maryland and Delaware at any time between June 1 and October 1, inclusive, or north thereof at any time between June 15 and October 15, inclusive, be kept in screened frames while outdoors; (iii) shall, if grown outdoors during any part of the year, be placed in beds in which the soil or other material shall have been treated in manner and by method approved by the Bureau of Entomology and Plant Quarantine to eliminate infestation; and (iv) shall comply with such other safeguards as may be required by the inspector.

(4) Cut flowers and other parts of plants without roots or soil may be certified for movement either (a) when they have been inspected by an inspector and found free from infestation, or (b) when they have been grown in a greenhouse of class *I* or in a certified greenhouse of class *III* and are transported under such safeguards as will in the judgment of the inspector prevent infestation. (See also section A (3) of this regulation.)

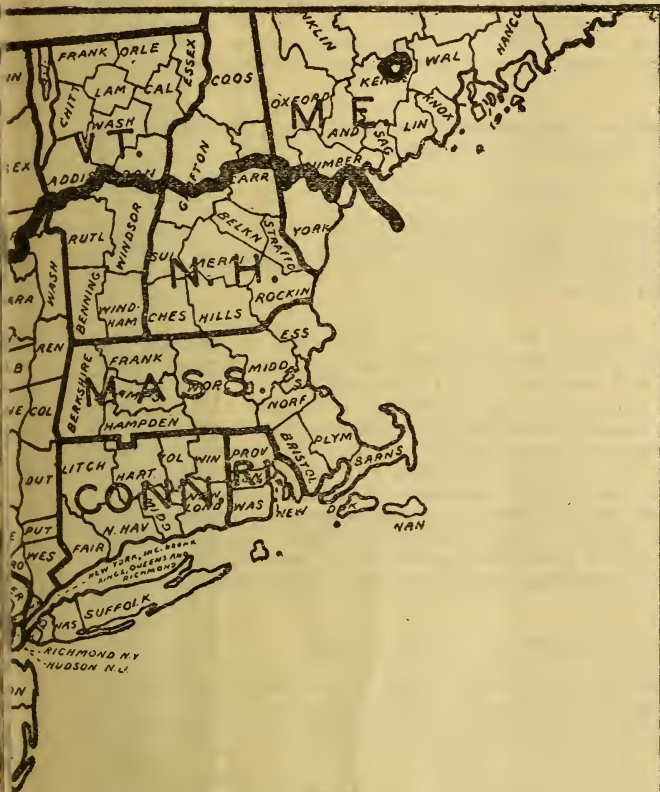
(5) Nursery and ornamental stock originating on or moved from unclassified premises may be certified by the inspector under either one of the following conditions: (a) That the soil shall be entirely removed from the stock, or (b) that the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector, or (c) that it shall be shown by evidence satisfactory to the inspector that the accompanying soil was obtained at such points and under such conditions that in his judgment no infestation could exist therein.

(6) Nurserymen, florists, dealers, and others, in order to maintain their classified status, (a) shall restrict their purchases or receipts of nursery and ornamental stock, sand, soil, earth, peat, compost, and manure within the regulated area to articles which have been certified under these regulations as to each such article and the said certificate shall accompany the articles when moved; (b) shall obtain approval of the inspector before such articles are received on their premises or moved from the open on their own premises into certified greenhouses; and (c) shall also report immediately in writing all purchases or receipts of such articles secured from within the regulated area. Nurserymen, florists, dealers, and others whose premises are classified as class *III* shall, in addition, report immediately on forms provided for that purpose all their sales or shipments of such articles both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated areas. Certification may be denied to any person who has omitted to make the report or reports required by this regulation, and such denial of certification shall continue until the information so omitted has been supplied.

(7) Nursery and ornamental stock imported from foreign countries and not reshipped from the port of entry in the unopened original container may be







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certified for movement under these regulations when such stock has been inspected by an inspector and found free from infestation.

(8) Nursery and ornamental stock originating outside the regulated areas and certified stock originating in classified nurseries or greenhouses may be certified for reshipment from premises other than those on which they originated, under provisions satisfactory to the inspector for the safeguarding of such stock from infestation at the point of reshipment and en route, and, when found advisable by the inspector, after reinspection and determination of freedom from infestation.

### **Regulation 7. Restrictions on the Movement of Sand, Soil, Earth, Peat, Compost, and Manure**

#### **SECTION A. CONTROL OF MOVEMENT**

Sand, soil, earth, peat, compost, and manure shall not be moved or allowed to be moved interstate from any point in the regulated areas to or through any point outside thereof unless a certificate or permit shall have been issued therefor by the inspector, except as follows:

(1) No restrictions are placed on the interstate movement of sand for construction purposes, nor of "bird gravel", "bird sand", or ground, dried, imported peat in packages of 5 pounds or less to the package.

(2) No restrictions are placed on the interstate movement of sand, soil, earth, peat, compost, and manure imported from foreign countries when re-shipped from the port of entry in the unopened original container and labeled as to each container with the country of origin, and when the shipment is further protected in manner or method satisfactory to the inspector.

(3) No certificate will be required for the interstate movement of sand, soil, earth, peat, compost, and manure when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

#### **SECTION B. CONDITIONS OF CERTIFICATION**

Certificates for the movement of sand, soil, earth, peat, compost, and manure may be issued under any one of the following conditions:

(1) When the articles to be moved have originated in districts included in the regulated area, but in which neither beetles nor grubs in soil have been found.

(2) When the material consists of fresh manure or of mined, dredged, or other similar materials, and it has been determined by an inspector that no infestation could exist therein.

(3) When the material has been removed, under the supervision of an inspector, from a depth of more than 12 inches below the surface of the ground and either (a) is to be moved between October 16 and June 14, inclusive, or (b) is loaded and shipped at points where it has been determined by an inspector that no general infestation of adult beetles exists, or (c) when the cars and loading operations are protected by screening under the direction of and in manner and by method satisfactory to the inspector.

(4) When the material has been fumigated with carbon disulphide or otherwise treated under the supervision of and in manner and by method satisfactory to the inspector. Such fumigation or treatment will be required as a condition of certification of all sand, soil, earth, peat, compost, and manure, except such as is loaded and shipped in compliance with paragraphs (1), (2), or (3) hereof.

### **Regulation 8. Conditions Governing the Protection of Restricted Articles from Infestation While in Transit**

Fruits and vegetables, nursery and ornamental stock, and sand, soil, earth, peat, compost, and manure, moving interstate from or through the regulated areas to points outside thereof between June 15 and October 15, inclusive, shall at all times while they are in the regulated areas be screened, covered, or otherwise protected in manner or method satisfactory to the inspector for safeguarding the articles from infestation.



Trucks or other road vehicles transporting restricted articles may be sealed by the inspector at the point of inspection and all such seals shall remain intact as long as the vehicle is en route within the regulated area.

### **Regulation 9. Marking and Certification a Condition of Interstate Transportation**

(a) Every car, vehicle, box, basket, or other container of the articles listed, the interstate movement of which is restricted in regulations 5, 6, and 7, shall be plainly marked with the name and address of the consignor and the name and address of the consignee and shall have securely attached to the outside thereof a valid certificate or permit issued in compliance with these regulations. In the case of lot shipments by freight, one certificate attached to one of the containers and another certificate attached to the waybill will be sufficient.

(b) In the case of bulk carload shipments by rail, the certificate shall accompany the waybill, conductor's manifest, memorandum, or bill of lading pertaining to such shipment and in addition each car shall have securely attached to the outside thereof a placard showing the number of the certificate or certificates accompanying the waybill.

(c) In the case of shipment by road vehicle, the certificates shall accompany the vehicle.

(d) Certificates shall be surrendered to the consignee upon delivery of the shipment.

### **Regulation 10. General Conditions Governing Inspection and Issuance of Certificates and Permits**

(a) Persons intending to move or allow to be moved interstate any of the articles the movement of which is restricted in regulations 5, 6, and 7, shall make application for inspection and certification as far as possible in advance of the probable date of shipment, specifying in the application the article and quantity to be shipped, method of shipment, name and address of the consignor, and name and address of the consignee.

(b) Applicants for inspection will be required to assemble the articles at such points as the inspector shall designate and so to place them that inspection may readily be made; if not so placed, inspection may be refused. All charges for storage, cartage, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

(c) Certificates and permits shall be used in connection with the transportation of only those articles intended to be covered thereby.

(d) Where the apparent absolute freedom from infestation of any of the articles enumerated cannot be determined by the inspector, certification will be refused.

(e) Permits may be issued for the interstate movement of restricted articles by truck or other road vehicle from a regulated area through a nonregulated area to another regulated area.

### **Regulation 11. Cancellation of Certificates**

Certificates issued under these regulations may be withdrawn or canceled by the inspector and further certification refused, either for any failure of compliance with the conditions of these regulations or violation of them, or whenever in the judgment of the inspector the further use of such certificates might result in the dissemination of infestation.

### **Regulation 12. Inspection in Transit**

Any car, vehicle, basket, box, or other container moved interstate or offered to a common carrier for shipment interstate, which contains or which the inspector has probable cause to believe contains either infested articles or articles the movement of which is prohibited or restricted by these regulations, shall be subject to inspection by an inspector at any time or place.

### **Regulation 13. Thorough Cleaning Required of Trucks, Wagons, Cars, Boats, and Other Vehicles and Containers Before Moving Interstate**

Trucks, wagons, cars, boats, and other vehicles and containers which have been used in transporting any article covered by these regulations within the

regulated areas shall not thereafter be moved or allowed to be moved interstate until they have been thoroughly swept and cleaned by the carrier at the point of unloading or destination.

#### Regulation 14. Shipments by the United States Department of Agriculture

Articles subject to restriction in these regulations may be moved interstate by the United States Department of Agriculture for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

These revised rules and regulations shall be effective on and after June 1, 1935, and shall supersede the rules and regulations promulgated November 23, 1933.

Done at the city of Washington this 29th day of May 1935.

Witness my hand and the seal of the United States Department of Agriculture.



R. G. TUGWELL,

*Acting Secretary of Agriculture.*

## APPENDIX

### PENALTIES

The Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended, provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds \* \* \* or any other article \* \* \* specified in the notice of quarantine \* \* \* in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine not exceeding \$500, or by imprisonment not exceeding 1 year, or both such fine and imprisonment, in the discretion of the court.

### STATE AND FEDERAL INSPECTION

Certain of the quarantined States have promulgated or are about to promulgate quarantine regulations restricting intrastate movement supplemental to the Federal quarantine. These State regulations are enforced in cooperation with the Federal authorities. Copies of either the Federal or State quarantine orders may be obtained by addressing the United States Department of Agriculture, 916 County Office Building, White Plains, N. Y.

Subsidiary offices are maintained at the following locations:

Fourth Floor, Custom House, Boston, Mass.

1337 Dixwell Avenue, Hamden, Conn.

Room 840, 641 Washington St., New York, N. Y.

Room 332, Post Office Building, Syracuse, N. Y.

Lawrence Building, 13-15 Orient Way, or Box C, Rutherford, N. J.

P. O. Box 1, Trenton, N. J., or Yardville Road, White Horse, N. J.

Kotler Building, Main and High Streets, Glassboro, N. J.

Frankford Arsenal, Frankford, Philadelphia, Pa.

Warehouse No. 4, General Depot, United States Army, New Cumberland, Pa.

Rooms 438 K and L, New Post Office Building, Pittsburgh, Pa.



Room 210, New Post Office Building, Dover, Del.

Room 306, Post Office Building, Calvert and Fayette Streets, Baltimore, Md.

Room 213, Broad-Grace Arcade Building, Richmond, Va.

Room 217, New Federal Building, Granby Street and Brambleton Avenue, Norfolk, Va.

Arrangements may be made for inspection and certification of shipments from the District of Columbia by calling District 6350, Branch 2589, the inspection house of the Bureau of Entomology and Plant Quarantine, Twelfth Street and Constitution Avenue NW., Washington, D. C.

#### GENERAL OFFICES OF STATES COOPERATING

Department of Entomology, Agricultural Experiment Station, New Haven, Conn.

Board of Agriculture, Dover, Del.

State horticulturist, Augusta, Maine.

Department of Entomology, University of Maryland, College Park, Md.

Division of Plant Pest Control, Department of Agriculture, State House, Boston, Mass.

Deputy commissioner, Department of Agriculture, Durham, N. H.

Bureau of Plant Industry, Department of Agriculture, Trenton, N. J.

Bureau of Plant Industry, Department of Agriculture and Markets, Albany, N. Y.

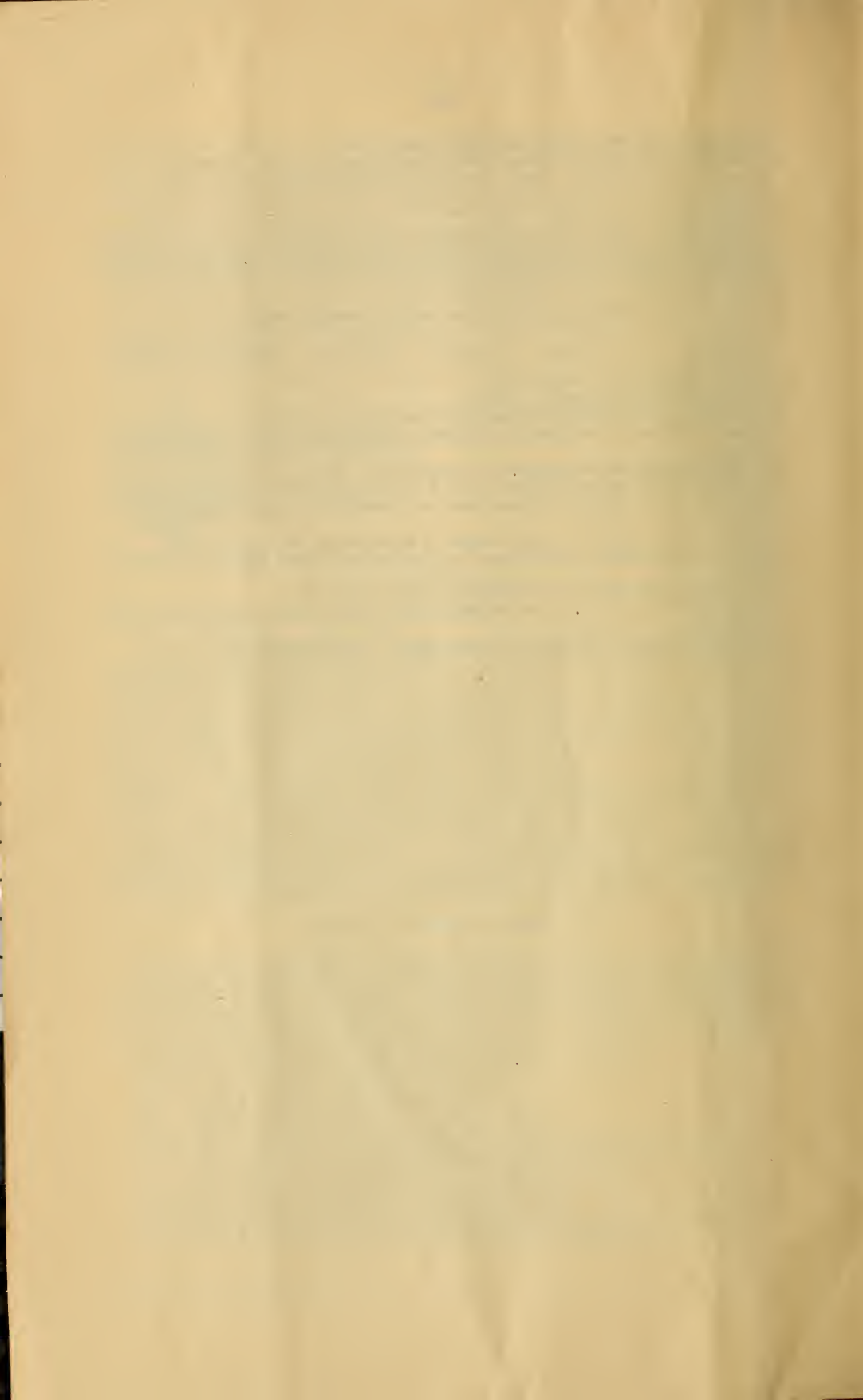
Bureau of Plant Industry, Department of Agriculture, Harrisburg, Pa.

Bureau of Entomology, Department of Agriculture, State House, Providence, R. I.

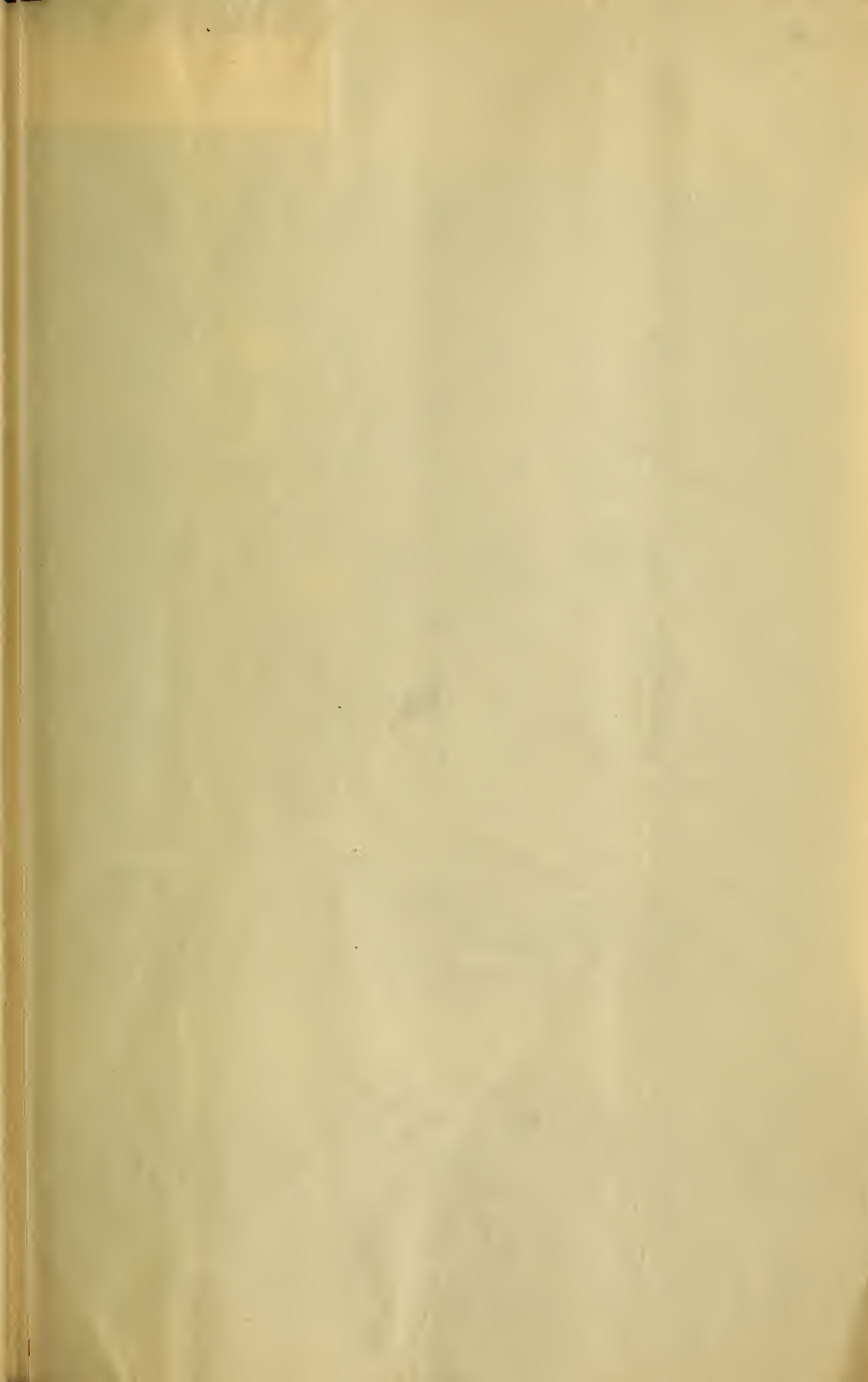
Entomologist, Department of Agriculture, Montpelier, Vt.

Division of Plant Industry, Department of Agriculture and Immigration, Richmond, Va.

State entomologist, Department of Agriculture, Charleston, W. Va.







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